North Central Regional Transit District (NCRTD)

Resolution 2012-18

RESOLUTION No. 2012-18 ADOPTING A REVISED CHARTER SERVICE POLICY AND RESCINDING RESOLUTION 2011-08 DIRECTING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD) TO SEEK A WARRANT WITH THE NEW MEXICO PUBLIC REGULATION COMMISSION FOR THE PURPOSE OF PROVIDING CHARTER SERVICE IN THE BOUNDRIES OF THE NCRTD.

WHEREAS, the NCRTD was created through legislative enactment (NMSA 1978, Sections 73-25-1 through 73-25-19); and

WHEREAS, the NCRTD is a subdivision of the State of New Mexico with all the authority and duties of the same; and

WHEREAS, the Board has the authority to make and pass resolutions necessary for the execution of the powers vested in the District; and

WHEREAS, The Board recognizes by having a charter policy that provides for charter service for government officials and entities, 501 (c) 3 type organizations and for significant number of handicapped passengers as funded in the budget is a beneficial service it desires to provide ; and

WHEREAS, Owning non-federally funded vehicles and storing and maintaining said vehicles at a federally funded facility may cause issues for compliance with federal regulations; and

WHEREAS, the NCRTD does not wish to jeopardize its grant recipient status with the Federal Transit Administration.

NOW THEREFORE BE IT RESOLVED THAT The Board rescinds Resolution No. 2011-08 the Existing Charter Service Policy and adopts Resolution No. 2012-18 a Revised Charter Service Policy attached hereto as Exhibit "A."

ON THIS 3rd DAY OF AUGUST 2012.

Daniel Barrone, Chair

Approved as to form:

Peter Dwyer, Counsel

NORTH CENTRAL REGIONAL TRANSIT DISTRICT
CHARTER POLICY

I. NCRTD Charter Policy

In accordance with federal regulations, 49 CFR Part 604.5, NCRTD will only provide charter service to entities or organizations that are listed as exceptions to "Charter Service:" for government agencies and officials, for Member entities of the NCRTD, for 501 (c) 3 type organizations, or for a significant number of handicapped passengers.

a. Availability of Charter Service

Given NCRTD's peak transit service requirements, NCRTD will generally only charter vehicles in off-peak hours of operation (weekdays 9:00 a.m. to 3:00 p.m. and 6:00 p.m. to 12:00 a.m., or Saturdays, or Sundays).

The origin and destination of all chartered trips must be within the boundaries of the North Central Regional Transit District.

b. Eligibility of Charter Service

A party requesting charter service must demonstrate eligibility, to do so under this policy. Eligibility shall be demonstrated by providing NCRTD with a written application for charter service which shall identify the specific service need, the hours and locations of the services and all other qualification required under 49 CFR Part 604.5.

All parties chartering NCRTD vehicles will be required to provide the NCRTD with insurance coverage, indemnification and other financial assurances as may be reasonably required by the NCRTD to ensure that it does not incur increased costs or liabilities from the operation of the charter service.

c. Capacity - Seating

The seating capacity of NCRTD vehicles range from 12 to 40 passengers. In compliance with the Americans With Disabilities Act (ADA), NCRTD is able to provide wheel-chair equipped vehicles. NCRTD vehicles can accommodate and lock in one or two wheel-chairs. If either of the wheel chair locks are used, (4) seats will be required in order to accommodate the wheel chair use.

d. Hourly Rate

The hourly rate charged for charter service will be determined by the Transit Operations and Maintenance Manager, in consultation with the Financial

Manager, and recommended by the Executive Director for the Boards approval. Annually the rate schedule will be evaluated and modified if warranted and submitted to the Board for approval. Rates will be established for 12, 18, 24, 32 and 44 passenger buses. Hourly rates shall be calculated in such a manner to ensure compliance with the NCRTD's Intergovernmental Contract and Bylaws.

The cost of all entrance charges and parking expenses shall be added as separate charges to the rate. NCRTD reserves the right to pass on to the chartering party any fees incurred.

e. Payments

Upon approval of charter service, an authorized agent of the chartering party will be required to sign a Charter Service Agreement which will list the initial cost estimate. Incidental costs (as described above) may be added after the service has been provided. 100% of the initial cost estimate is required when the Charter Service Agreement is signed. If need be, the price estimate will be adjusted at the conclusion of the service and the chartering party will be invoiced for the balance.

f. Cancellations

Should the chartering party have need to cancel the charter service, a 48 hour notice is required. Considerations for inclement weather may require a shorter notice.

g. Time - Computation

The number of hours of charter service will be calculated from the time the chartered vehicle leaves the dispatching point on route to the chartering party's requested point of origin to the time it returns to an NCRTD garage or the point where the vehicle engages in another service.

h. Service Standards

1) NCRTD endeavors to maintain the time of arrival at points of destination but does not guarantee to arrive at or depart from any point at a specific time.
2) NCRTD may incur delays caused by accidents, breakdowns, road conditions, storms and other circumstances beyond its control.
3) NCRTD assigns qualified operators that have been instructed to drive at a speed within limits prescribed by law, and compatible with safe operations.
4) NCRTD does not accept responsibility for personal property when

left on the vehicle by passengers when disembarking.

5) General services standards shall be the same as those maintained for other comparable NCRTD services.

i. Operator Assignments

NCRTD reserves the right to assign bus operators to a specific job at all times, and to substitute or replace operators without notice. Wherever possible, requests for specific bus operators will be honored, but cannot be guaranteed.

j. Equipment - Vehicles

Wherever possible, requests for specific vehicles will be honored, but cannot be guaranteed. Equipment furnished by NCRTD is thoroughly inspected before assigned to ensure uninterrupted operation. Should mechanical failure of equipment make it necessary for the replacement of a vehicle originally assigned to the service, the replacement vehicle may be of a different type. Every effort shall be made by NCRTD to provide equipment as similar to the original as possible.

All costs of repairing damage to vehicles resulting from acts of members of the chartering party shall be charged to the chartering party.

k. Baggage

Baggage will not be checked. Only hand baggage or property in custody of the passengers on the bus will be carried. The amount of such baggage or property carried shall be limited in the amount, weight, and size to the available safe capacity of, or space available on, the vehicle. Any such article that creates, in the opinion of the operator of the vehicle or other NCRTD employee, a hazardous condition or is likely to damage the vehicle will not be transported. Flammable or other dangerous substances or articles shall not be brought on board the vehicle

l. Passenger Guidelines

General passenger and service restriction imposed by other policies of the NCRTD shall apply to charter services including, but not limited to restriction on smoking, passenger conduct, firearms, alcohol, and all restrictions expressly posted on the vehicles.

II. Vehicle Operation

During charter service NCRTD Operators must be in uniform at all times and

must abide by all rules of regular service operation.

III. Employee Requests

Employees of NCRTD requesting charter service will need to go through the same application process described above. The party on whose behalf the NCRTD employee is acting will need to meet the same standards as all applicants. The chartering party will be charged the same hourly rate as all parties. The operator may not donate his/her time. The chartering party must be billed for the service as listed 1 d. above. The employee requesting the charter service will not be the operator of the bus assigned to the charter.

IV. Public Relations and Related Service

NCRTD can provide special service for any public relations function directly related to NCRTD business or the business of any NCRTD Member entity. The use of NCRTD vehicles for these events must be sought and approved by and through the Public Information Officer the Transit Operations and Maintenance Manager and the Executive Director.

The Financial Manager must be notified by memo when a Public Relations Service is being provided. The Financial Manager will determine the public relations value of the service to report the benefit to the District to the NCRTD Board of Directors.

V. Volunteer or Donated Services

Other than Public Relations Services and Parade service (described below), all operational expenses will be charged to the recipients of special service as listed in 1 d. above. NCRTD will not request volunteer drivers for any services.

VI. Non-Charter Services

The following services are not deemed charter services and may be provided notwithstanding the provisions of this Charter Services Policy.

a. Educational Events

NCRTD vehicles may be used for events during which NCRTD employees educate groups of people on how to use the NCRTD system. The use of a vehicle for this type of *event* needs to be requested by a senior staff member of the NCRTD and approved by the Transit Operations and Maintenance Manager. The Transit Operations and Maintenance Manager will confirm vehicle availability prior to approval. The Transit Operations and Maintenance Manager shall also verify and approve the educational nature of the event prior to approval.

b. Stationary Vehicles

NCRTD vehicles may be used for any *event* at which the vehicle will be stationary and no passengers will be carried. The use of a vehicle for this type of *event* needs only to be requested by a senior staff member of the NCRTD and approved by the Transit Operations and Maintenance Manager. The Transit Operations and Maintenance Manager will confirm vehicle availability prior to approval.

c. Parades

NCRTD vehicles may be used as a feature in a parade if the general public is not being carried and NCRTD is providing the vehicle free of charge. This service would need to be requested by the Public Information Officer and approved by the-Transit Operations and Maintenance Manager and the Executive Director. If NCRTD is charging for the use of the vehicle and/or the general public will be carried on the vehicle, the parade organizers must complete the charter services application process outlined *above.* The same hourly rate will be charged for parades as for any other charter service.

d. Supplementary Services

If NCRTD is informed of an event where a group will be boarding at a regular NCRTD stop at a regularly scheduled time and alighting at an NCRTD stop along the route, also at a regularly scheduled time, NCRTD may add extra vehicles to the trip to handle any overcrowding that may occur. These vehicles will need to be signed as a regular route and must be opened to the public.

e. Assistance to NCRTD Member Transit Agencies

NCRTD member transit agencies operating service in North Central Regional Transit District that are in need of additional equipment during special events will also be eligible to charter NCRTD vehicles as listed in 49 CFR Part 604. The NCRTD member entities will be charged the same rate as other eligible parties chartering NCRTD vehicles. It will be required that an NCRTD driver operate the chartered NCRTD vehicle.

VII. Internal Charter Procedure

The Transit Operations and Maintenance Manager with the approval of the Executive Director will designate an NCRTD staff person to handle inquiries for charter service. The NCRTD staff person will inform inquirers about NCRTD's

policy and will provide them with appropriate forms.

If the applicant meets one of the exceptions described above, an authorized agent of the government agency or non-profit organization will need to complete the form and provide certification of tax-exempt status.

If the party requesting charter service does not meet any of the requirements for an exception, NCRTD will not provide the party with charter service.

The NCRTD staff person responsible for charters (as designated by the Transit Operations and Maintenance Manager will then determine the eligibility of the applicant. If the NCRTD staff person deems the applicant ineligible, they will notify the applicant of the decision and the reason for the decision. If the applicant is deemed eligible, vehicle availability for the vehicle type requested during the time and date specified will be confirmed with the Route Supervisors for scheduling. NCRTD may deny any request based on vehicle availability.

The route by which the chartered vehicle will travel will be determined by the NCRTD staff person designated by the Transit Operations and Maintenance Manager. The route will be described on the application. The route may not begin or end outside the boundaries of the North Central Regional Transit District

The application and the information provided by the applicant will then be forwarded to the Transit Operations and Maintenance Manager to approve or deny the application for charter service and the route described on the application. If approved, the NCRTD staff person designated by the Transit Operations and Maintenance Manager will then create a schedule/itinerary for the chartered service and provide it to the Route Supervisor.

VIII. Appeal Procedure

Should any party requesting charter service feel they have wrongfully been denied service; they may appeal the Transit Operations and Maintenance Manager's decision to the NCRTD Executive Director. The appeal must be in writing and must be submitted within seven days of notification that charter service will not be provided. If, after reviewing the facts, the Executive Director deems that providing the charter service is permissible and desirable, the Executive Director will direct the Transit Operations and Maintenance Manager to schedule the service.